

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF MISSOURI**

In re: )  
 )  
THOMAS PAUL CLOSSICK, ) Case No. 02-46053-DRD  
 )  
Debtor. )

**MOTION OF TRUSTEE TO PAY SURPLUS FUNDS  
INTO THE REGISTRY OF THE COURT**

COMES NOW Jerald S. Enslein, trustee ("Trustee"), and for the Motion of Trustee to Pay Surplus Funds into the Registry of the Court ("Motion"), respectfully states:

1. On October 30, 2002, debtor Thomas Paul Clossick ("Debtor") filed with the Court his voluntary Petition pursuant to 11 U.S.C. Chapter 7.
2. The Court has jurisdiction to hear this matter pursuant to 28 U.S.C. §§157 and 1334, and venue in this Court is proper under 28 U.S.C. §§1408 and 1409(a). Further, this matter is a core proceeding pursuant to 28 U.S.C. §157(b)(2)(A).
3. The Trustee was appointed by the United States Trustee to serve as interim trustee in this case pursuant to 11 U.S.C. §701(a)(1), and serves as trustee pursuant to 11 U.S.C. §701(c).
4. The Trustee's Final Report ("Final Report") (document number 71 of the Docket Report of the Court) was filed on August 5, 2010.
5. In accordance with the Final Report, the Trustee issued checks numbered 104 and 112 ("Checks 104 and 112") from the checking account maintained at Bank of New York Mellon solely with respect to this case ("Checking Account") that were

payable to the order of The Jones Store ("Jones") for the amounts of \$166.30 and \$38.45, respectively, which represented payment of Claim Number 2 at the rate of 113.9% that was filed by Jones ("Claim Payment"). Although mailed to Jones, Checks 104 and 112 were not presented for payment and thus stop payment orders were issued with respect to them on or about December 2, 2010.

6. Check numbers 122 and 123 ("Checks 122 and 123") were issued from the checking account maintained at Bank of New York Mellon that were payable to the order of Jones for the amounts of \$166.30 and \$38.45, respectively, which also represented the Claim Payment. Although Checks 122 and 123 were mailed to Jones, they also were not presented for payment and thus stop payment orders were issued with respect to them on or about March 3, 2011.

WHEREFORE, the Trustee respectfully prays that the Court issue an Order that:

- (a) sustains the Motion and authorizes the Trustee to pay into the Registry of the Court the sum of \$204.75, which represents the Claim Payment owed to Jones; and
- (b) grants such other relief as the Court deems just.

/s/ Jerald S. Enslein, Trustee

Jerald S. Enslein, Trustee MO#30040

GALLAS & SCHULTZ

9140 Ward Parkway

Suite 200

Kansas City, Missouri 64114

816.822.8100 Telephone

816.822.8222 Telecopier

jsenslein@gallas-schultz.com

JERALD S. ENSLEIN, TRUSTEE

**CERTIFICATE OF SERVICE**

I hereby certify that on this 29<sup>th</sup> day of June, 2011, the above and foregoing was filed electronically with the Clerk of the Court pursuant to the Case Management/Electronic Case Filing system of the Court, and electronic notice of such filing was served by the Office of the Clerk upon parties in interest registered in such Case Management/Electronic Case Filing system with respect to this case, with a true and correct copy of the above and foregoing being served by the undersigned via other electronic transmission or First Class U.S. Mail, postage prepaid, on the following:

Office of the U.S. Trustee  
Susan.A.Streeter@usdoj.gov

The Jones Store  
PO Box 981426  
El Paso, TX 79998

/s/Jerald S. Enslein, Trustee  
JERALD S. ENSLEIN, TRUSTEE